

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

WILLIAM TODD BRAKE
Plaintiff,

V.

JUSTIN JACKSON, et al.
Defendants.

No. 1:10-0089
JUDGE HAYNES

M E M O R A N D U M

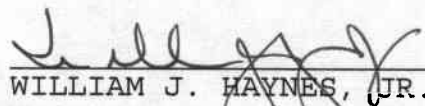
Plaintiff, William Todd Brake, an inmate at the Morgan County Correctional Complex in Wartburg, Tennessee, filed this pro se action under 42 U.S.C. § 1983 against the Defendants: Justin Jackson, a Corrections Officer at the Turney Center Industrial Prison, and Adarius Husband, an inmate at that facility. Plaintiff seeks injunctive relief and damages arising from injuries suffered in an attack.

According to the complaint, in December, 2007, Plaintiff was at the Turney Center Industrial Prison. On December 4th, Adarius Husband allegedly attacked the Plaintiff in his cell with a knife, slashing face that required 26 stitches to close the wound.

The complaint arrived in the Clerk's Office on October 12, 2010. Plaintiff's claims arose when he was attacked on December 4, 2007. Thus, it appears that this action is time-barred by the one year statute of limitations imposed upon civil rights claims

brought in Tennessee. Merriweather v. City of Memphis, 107 F.3d 396, 398 (6th Cir.1997). Nothing in the complaint suggests that the statute should be tolled so as to permit the untimely filing of the complaint. Given the almost three years time period since the incident giving rise to Plaintiff's claim, the Court concludes that the Plaintiff's complaint fails to state a claim upon which relief can be granted because this action is untimely. Dellis v. Corrections Corp. of America, 257 F.3d 508, 511 (6th Cir.2001) (sua sponte dismissal of an untimely prisoner complaint is appropriate). Under such circumstances, the Court is obliged to dismiss the complaint. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.


WILLIAM J. HAYNES, JR.
United States District Judge
11-2-10